

**GARNISHMENT SUMMONS**

Commonwealth of Virginia

Case No. 4:10-mc-00001

United States District Court, Western District of Virginia - Danville Division

Circuit Court

P.O. Box 1400, Danville, VA 24543-1400

COURT ADDRESS

**JUDGMENT CREDITOR:**

Memorial Hospital of Martinsville

320 Hospital Drive

Martinsville, VA 24112-1900

(276) 666-7200

Telephone No.

**JUDGMENT CREDITOR'S ATTORNEY:**

B. Page Gravely, Jr.

P.O. Box 72050

Richmond, VA 23255-2050

(804) 967-9604

Telephone No.

**JUDGMENT DEBTOR:**

Louis Christopher D'Oro, M.D.

705 Clover Lane

Moscow, PA 18444-5139

Soc. Sec. No.

178-52-6429

Garnishee:

Cleveland DFAS-HGA/CL

P.O. Box 998002

Cleveland, OH 44199-8002

**STATEMENT:**

Judgment Principal: \$ 68,190.32

Credits 0.00

Interest to Date 2,427.03

Judgment Costs 0.00

Attorney's Fee 0.00

Garnishment Costs 0.00

HEARING DATE AND TIME

**TOTAL BALANCE DUE \$ 70,617.35**

The garnishee shall rely on this amount.

This is a garnishment against (check only one)

☒ the judgment debtor's wages, salary or other compensation.☐ some other debt due or property of the judgment debtor, specifically,**MAXIMUM PORTION OF DISPOSABLE EARNINGS  
SUBJECT TO GARNISHMENT**☐ Support☐ 50% ☐ 55% ☐ 60% ☐ 65%

(if not specified, then 50%)

☐ state taxes, 100%

May 20, 2010

DATE OF JUDGMENT

If none of the above are checked, then § 34-29(a) (on reverse) applies.

**TO ANY AUTHORIZED OFFICER:** You are hereby commanded to serve this summons on the judgment debtor and the garnishee.**TO THE GARNISHEE:** You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the return date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

DATE OF ISSUANCE OF SUMMONS

, Clerk

DATE OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF  
IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

by

DEPUTY CLERK

**WRIT OF FIERI FACIAS** TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, as shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.Homestead Exemption Waived? ☐ Yes ☐ No ☐ Cannot be demanded

, Clerk

by

DEPUTY CLERK

DATE

The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the Clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if any employees makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage. But an employer may withhold a different amount of money from that above if:

- (1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;
- (2) Money is withheld by order of a bankruptcy court; or
- (3) Money is withheld for a tax debt.

"Disposable earnings" means the money an employee makes "after taxes" and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, payments to an independent contractor, or otherwise, whether paid directly to the employee or not.

If an employee tries to transfer, assign or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

#### RECEIVED

DATE AND TIME

SHERIFF

#### NOTE:

Return of Writ of Fieri Facias to be used if no effects found -- otherwise, use appropriate sections of CC-1477, WRIT OF FIERI FACIAS.

[ ] NO EFFECTS FOUND

DATE

SHERIFF

DEPUTY SHERIFF

RETURNS: Each garnishee was served as indicated below, unless not found, with a copy of this summons and the exemption claim form.

GARNISHEE Defense Finance Accounting Service  
Cleveland DFAS-HGA/CL  
ADDRESS P.O. Box 998002  
Cleveland, OH 44199-8002  
TELEPHONE NUMBER: (888) 332-7411

[ ] PERSONAL SERVICE [ ] FEDERAL SERVICE\*

[ ] Being unable to make personal service, a copy was delivered in the following manner:

[ ] Served on registered agent of the corporation. List name and title:

[ ] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purpose. List name, age of recipient, and relation of recipient to party named above.

[ ] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[ ] Served on Secretary of the Commonwealth.

[ ] Served on the Clerk of the State Corporation Commission, pursuant to § 8.01-513.

[ ] Copy mailed to judgment debtor after serving the garnishee on date of service below unless a different date of mailing is shown.

DATE OF MAILING

[ ] Not found

SERVING OFFICER

DATE for

DATE

JUDGMENT DEBTOR Louis Christopher D'Oro, M.D.

ADDRESS 705 Clover Lane  
Moscow, PA 18444-5139

[ ] PERSONAL SERVICE

[ ] Being unable to make personal service, a copy was delivered in the following manner:

[ ] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purpose. List name, age of recipient, and relation of recipient to party named above.

[ ] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[ ] Served on Secretary of the Commonwealth.

[ ] Not found

SERVING OFFICER

DATE for